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GREENBERG TRAURIG, LLP (SV)
IP DOCKETING
2450 COLORADO AVENUE
SUITE 400E
SANTA MONICA, CA 90404

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TRAN, PHILIP B	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/578,606	BUSEY, ANDREW THOMAS	
	Examiner	Art Unit	
	Philip B. Tran	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 November 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

Notice to Applicant

1. This communication is in response to Amendment filed 24 November 2008. Claims 1, 8 and 15-21 have been amended. Claims 22-25 have been newly added. Therefore, claims 1-25 are pending for further examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 8, 15 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Johns et al (Hereafter, Johns), U.S. Pat. Application Pub. No. US 2005/0097173 A1.

Regarding claim 1, Johns teaches a method performed by at least one information handling system, the method comprising:

receiving an excerpt of information at a computing device (i.e., receiving digital images uploaded by a first user) [see Paragraphs 0002 & 0005 & 0007 & 0018 & 0022]; and

automatically storing the excerpt, in an XML format (XML-based scheme) [see Paragraph 0049], in a folder on a storage medium that is preselected by a first user (i.e., digital images are stored in folders on data base of the service provider wherein folders are created by a first user) [see Paragraphs 0011 & 0015 & 0017 & 0021 & 0029-0030] wherein the folder is selected from a group consisting of a group folder and a public folder, the group folder is accessible by one or more second users specified by the first user as a group, the public folder is accessible to all users subscribed to the public folder (i.e., for group type of folder, the owner of the folder decides to invite 1 or many individuals to subscribe to the folder and for public type of folder, the owner of the folder (album) has decided that anyone can view the folder) [see Paragraphs 0030-0032].

Claim 8 is rejected under the same rationale set forth above to claim 1.

Claim 15 is rejected under the same rationale set forth above to claim 1.

Regarding claim 23, Johns further teaches the method of claim 1, further comprising, in response to a search term query, providing search results of a list of public folders with information about one or more websites comprising the queried search term [see Paragraphs 0013 & 0015 & 0032 & 0050 & 0055-0056].

Claim 24 is rejected under the same rationale set forth above to claim 1.

Claim 25 is rejected under the same rationale set forth above to claim 23.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2-7, 9-14 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johns et al (Hereafter, Johns), U.S. Pat. Application Pub. No. US 2005/0097173 A1 in view of Brewster et al (Hereafter, Brewster), U.S. Pat. Application Pub. No. US 2002/0147847 A1.

Regarding claim 2, Johns does not explicitly teach the method of claim 1, wherein the information handling system is a first information handling system, wherein the excerpt has a non-XML format, and comprising in response to the excerpt, automatically translating the excerpt from the non-XML format into the XML format, so that the translated excerpt is compatible for operation with a second information handling system of at least one of the second users. However, Brewster, in the same field of sharing access to document over the network endeavor, discloses automatically converting received document into XML document before sending to a second user [see Fig. 2 and Paragraphs 0004-0005 & 0017 and Page 3, Right Col., Lines 22-24]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Brewster into the teaching of Johns in order to

efficiently provide appropriate viewable formats for different users of different type of devices.

Regarding claims 3-4, Johns does not explicitly teach the method of claim 2, wherein the stored excerpt is the translated excerpt and wherein the output excerpt is the translated excerpt. However, Brewster, in the same field of sharing access to document over the network endeavor, discloses the stored excerpt is the translated excerpt and the output excerpt is the translated excerpt [see Fig. 2 and Paragraphs 0004-0005]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Brewster into the teaching of Johns for the same reason set forth above to claim 2.

Regarding claim 5, Johns does not explicitly teach the method of claim 1, wherein the information handling system is a first information handling system, wherein the excerpt has an alternate XML format, and comprising in response to the excerpt, automatically translating the excerpt from the alternate XML format into a generic XML format, so that the translated excerpt is compatible for operation with a second information handling system of at least one of the second users. However, Brewster, in the same field of sharing access to document over the network endeavor, discloses automatically translating the excerpt from the alternate XML format into a generic XML format [see Fig. 2 and Paragraphs 0005-0006 & 0017-0021]. It would have been obvious to one of

ordinary skill in the art at the time of the invention was made to incorporate the teaching of Brewster into the teaching of Johns in order to efficiently provide appropriate viewable formats for different users of different type of devices.

Regarding claims 6-7, Johns does not explicitly teach the method of claim 5, wherein the stored excerpt is the translated excerpt and wherein the output excerpt is the translated excerpt. However, Brewster, in the same field of sharing access to document over the network endeavor, discloses the stored excerpt is the translated excerpt and the output excerpt is the translated excerpt [see Fig. 2 and Paragraphs 0004-0005]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Brewster into the teaching of Johns for the same reason set forth above to claim 5.

Claims 9-14 are rejected under the same rationale set forth above to claims 2-7.

Claims 16-21 are rejected under the same rationale set forth above to claims 2-7.

Regarding claim 22, Johns does not explicitly teach the method of claim 1 comprising, in the XML format, automatically outputting the excerpt to one or more second users preselected by the first user. However, Brewster, in the same field of sharing access to document over the network endeavor, discloses

automatically e-mailing the data contained within the XML document to a recipient indicated by the first user when submitting the first document wherein the recipient is a second user [see Fig. 2 and Page 3, Right Col., Lines 30-34]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Brewster into the teaching of Johns in order to efficiently provide appropriate viewable formats for different users of different type of devices.

Other References Cited

6. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

A) Nagy et al, U.S. Pat. No. 6,820,083.

B) Giljium et al, U.S. Pat. No. 6,745,238.

C) Daniell, U.S. Pat. Application Pub. No. US 2005/0080863 A1.

Response to Arguments

7. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE

THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip B Tran/
Primary Examiner, Art Unit 2455
Feb 11, 2009